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HONEYWELL/STW Patent Services 101 Columbia Road P.O. Box 2245 Morristown, NJ 07962-2245			PRICE, CARL D	
			ART UNIT	PAPER NUMBER
			3749	
			NOTIFICATION DATE	DELIVERY MODE
			02/08/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/597,927

Applicant(s)

THIEWES ET AL.

Examiner

Carl D. Price

Art Unit

3749

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 January 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Carl D. Price/
Primary Examiner, Art Unit 3749

Continuation of 11. does NOT place the application in condition for allowance because:

The examiner acknowledges applicant's remarks noting claims 15-25 and 27-33 having been inadvertently omitted from the statement of rejection. Notwithstanding this omission, applicant's attention is directed to the text within the body of the examiner's action and rejection of the claims under 35 USC 103 which nevertheless addresses each element of the claimed invention. And, applicant's attention is directed to the examiner's detailed discussion of the prior art beginning at the last paragraph of page 11 of the Final Rejection which specifically calls out all of claims 14-36: "In regard to claims 14-36, for the purpose of providing a suitable mixing device, it would have been obvious to a person having ordinary skill in the art at the time of the invention to form for the single piece venturi unit shown in DE 197 33 768 to be in the form of a monolithic, or one piece, wherein the fuel passage is radially extending, in view of the teaching(s) of NL 1000129 C6 (Luttikholt) or WO 02/077526 (Veronese et al). Also, in regard to claims 14, and 34, in particular, For the purpose of providing a space saving compact venture and valve adaptation and arrangement for connecting and securing the fuel regulating valve to the radially extending fuel passage, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the gas inlet of DE 197 33 768 to include a female receptacle or cavity receiving a protruding stub and necessary associated sealing means of a gas regulating valve, in view of the teaching of JP 61106957. In regard to claims 14, 15 and 17-30, in particular, for the purpose of providing a suitable means for releasably fastening the mixing device with the fan inlet, it would have been obvious to a person having ordinary skill in the art at the time of the invention to form the single piece venturi shown in DE 197 33 768 as a plastic (i. e. - "thermoplastic") monolithic material having projections formed to engage a mounting plate of on the fan so as to for a hand operated (i. e. - without tools) along with sealing means (see WO 02/077526 (Veronese et al), 20, 21) operated fastening device, in view of the teaching(s) of WO 02/077526 (Veronese et al).

In addition, with regard to claims 14-36, the recitation "quickly removed" is merely a relative term not otherwise defined which relates merely to the functional operation of the claimed invention and the recitation.

Also, with regard to claims 14, 21-24 and 36, the recitation(s) "quickly removed" and "hand releasable by a user" is deemed to be merely statement(s) of intended use which fails to further define the claimed invention over the releasable flange and bolt fastening device taught by JP 61106957. That is, the releasable flange and bolt fastening device is capable of being "hand releasable by a user", in that locating the flange and inserting and tightening the bolts in JP 61106957 may take place by manual manipulation, by a user's hand, and at various relative speed of installation, wherein at least one of the relative speeds would be thought of as occurring more "quickly" than another. At least in the same manner only broadly recited in applicant's claim.

Notwithstanding the capabilities of JP 61106957, with regard to claims 14, 21-24 and 36 with regard to the valve fastening device, Official Notice is taken that it is well known in the art of fluid flow conduit connectors or fastening devices to employ relatively "quick" operating or "quick-acting" means, known to include snap or spring clip features, in place of more conventional flange and bolt type fasteners in order to eliminate more time consuming steps requiring the use of tools during installation (see for example: US 4128391, US 2021241, US 3574359, US 5370527, US 4458719, US 5150880). Therefore, in regard to claims 14, 21-24 and 36, in view of that which is well known and for the known purpose, it would have been obvious to a person having ordinary skill in the art at the time of the invention to employ a quick acting (i.e. - tool free) fastening device, such as from the notorious well known snap and clip type, as the valve assembly fastening means in DE 197 33 768 as modified by JP 61106957, as a suitable alternative means for securing the valve assembly to the venture housing. Similarly, in regard to claims 14-19, 26 and 31, Official Notice is taken that it is well known in the art of fluid flow conduit connectors or fastening devices to employ relatively "quick" operating or "quick-acting" means, known to include selectively engaging projection and recesses (e.g. - bayonet type), as a suitable quickly operable fastener in order to eliminate more time consuming steps requiring the use of tools during installation (see for example: US 4797072, US 5021048, US 5404614, US 6276908, US 6474959, US 5901695, GB 2036295). Therefore, in regard to claims 14-19, 26 and 31, in view of that which is well known and for the known purpose, it would have been obvious to a person having ordinary skill in the art at the time of the invention to employ a quick acting (i.e. - tool free) fastening device, such as from the notorious well known to include selectively engaging projection and recesses (e.g. - bayonet type), as the venturing and fan assembly fastening or coupling means in DE 197 33 768 as modified by WO 02/077526 (Veronese et al), as a suitable alternative means for securing the valve assembly to the venture housing.

Applicant's remarks directed to the Rejection under 35 U.S.C. 112, second paragraph, pointing to certain portions of the application specification which embody the applicant's understanding of the meaning of the term "quick", have been carefully reviewed. Nevertheless, the term "quick", as it appears in the claim amounts to a relative term not associated with any point or measure of reference which might afford one of ordinary skill in the art the necessary and definite understanding of the meets and bounds of the term "quickly". Furthermore, Applicant is reminded that: Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues DE 19733768 does not embody a monolithic venturi, since the available English language text of suggests the invention to be illustrated in a "strongly schematized" manner. Even though DE 19733768 is described in this manner, the drawing figures nevertheless show a monolithic structure, which can not be ignored as a teaching in itself, presenting a person of ordinary skill in the art with the idea and/or teaching a single piece or monolith form for the venturi. Even so, applicant is reminded that both NL 1000129 C6 (Luttikholt) and WO 02/077526 (Veronese et al) are additionally individually relied on as teaching(s) to establish that, at the time of the invention, it was known to make venturi devices as monolith structures. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In response to applicant's

argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In the case of the prior art reference of JP 61106957, it is for the purpose of providing a space saving compact venturi and valve adaptation and arrangement for connecting and securing the fuel regulating valve to the radially extending fuel passage, that it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the gas inlet of DE 197 33 768 to include a female receptacle or cavity receiving a protruding stub and necessary associated sealing means of a gas regulating valve.